

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 161 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VAGHABHAI BHIKHABHAI BHARWAD

Versus

BAI NANDU GOBAR(DISMISSED VIDE COURT'S ORDER DT.3/8/89)

Appearance:

MR JP GADHAVI for Petitioner

MR DU SHAH for Respondent No. 2 to 4.

SERVED for Respondent No. 5

Mr. K.P. Raval, A.P.P. for Respondent No. 6

CORAM : MR.JUSTICE S.M.SONI

Date of decision: 24/07/96

ORAL JUDGEMENT

Heard the learned Advocates for the parties, as also, Mr. K.P. Raval, learned A.P.P. Mr. Raval states before the Court that the State will submit to the orders that may be passed by the Court.

The trial Court has considered whether the respondents should be released on bail or not and after having considered that question, they are released on bail. This petition is filed for cancellation of that bail order. Names of respondents nos.2 to 5 are not mentioned in the FIR. Name of respondent no.1 is shown in FIR. However, learned Advocate has not pressed this application qua the respondent no.1. Witnesses have referred to these very accused persons. Therefore, in the facts and circumstances of the case, the trial Court has rightly exercised the discretion in favour of the accused. This apart, the matter is of the year 1989 and it can be assumed that by this time, trial might have been over. Again, there is no complaint against the respondents-accused to the effect that they have abused the liberty granted to them which, in my opinion, otherwise, would be immediately brought to the notice of this Court by the complainant or the prosecution side. In view of this state of affair, I do not find any reason to interfere with the order passed by the learned trial Judge for bail. Hence rejected. Rule is discharged.

sf-sms